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**Remarks**

After the foregoing amendment, claims 1 – 14 and 16 – 22 are pending, with claims 1, 7, 11, 16, and 21 being the independent claims. Claim 22 has been added. Applicant would like to thank the Examiner for the updated search and thorough treatment of the claims in the office action. Applicant respectfully traverses the rejections of the claims as set forth below and requests a notice of allowance for all pending claims.

***35 USC §102(b)***

Claims 11, 14, 16, 20, and 21 stand rejected under section 102(b) as being anticipated by U.S. Patent No. 5,311,422 (“Loftin”). The Loftin reference teaches an intelligent computer-aided training system. (Column 4, Lines 38 – 41). The training system has a user interface that allows the trainee to interact with the system. (Column 6, Lines 48 – 52). The training system is “intelligent” because it includes a trainee model that contains a history of an individual trainee’s interactions with the system and can design increasingly complex training exercises based on the current skill level for the individual trainee contained in the model and also based on any weaknesses or deficiencies that the trainee has exhibited in previous interactions. (Column 6, Lines 59 – 66). The Loftin reference does not teach the claimed invention.

Initially, the Loftin reference does not teach a system for improving a computer executed application, which is Loftin’s training system. The Loftin reference teaches an intelligent training system that is designed to improve the skill set of a trainee that is interacting with the system. A good example of the system taught by Loftin is set forth at Column 10, Line 43 – Column 11, Line 24. This passage underscores that the training system taught by Loftin is designed to increase the skill level of an individual trainee and not to improve the computer executed application.

The claimed invention, in contrast, is directed toward improving a computer executed application. The application is improved by identifying the specific context in the application where users most often request help. Loftin does not teach such a system. In fact, the claimed invention may be used with the training system taught by Loftin to improve that computer executed application and make it a better training system.

**A. Independent Claims 11, 16 and 21**

Loftin does not teach the claimed invention in amended claims 11, 16, and 21. These claims have been amended to emphasize that the total number of help requests that is tracked for each discrete context of the application is tracked across a plurality of users. Accordingly, as more users interact with the application and request help at particular contexts of the application that are confusing to the user, these help requests are tallied and later compiled into a report that identifies the context of the application with the most help requests. An advantage of the claimed invention is that the application developer can use the information in the report to improve the application.

Furthermore, with respect to claims 11 and 16, Loftin does not disclose a separate help server that communicates with the application via a network. Figure 1A of Loftin does not show a network connection between the blackboard 60 (cited as the help system) and the trainee model 50 (cited as the application), as required by claims 11 and 16. To the contrary, Loftin describes the blackboard 60 and the trainee model 50 as components of a single system, with the blackboard 60 acting as the vehicle to promote communication between the other system components. Thus, the blackboard 60 additionally fails to anticipate the claimed help server.

Furthermore, in claim 11 the help server comprises the data storage area, the context identifier, the recording module, and the reporting module. The training system taught by Loftin indicates that each of the separate components of the system communicate through the blackboard 60. Thus, the blackboard 60 does not comprise the training session manager 30, as would be required to teach claim 11. This is illustrated by Loftin in Figure 1, where the training session manager 30 is shown separately from the blackboard 60. This is also described at Column 8, Lines 58 – 61 where Loftin states that the primary components are the domain expert or depex 10, the training scenario generator 20, the training session manager 30, the user interface 40, and the training model 50. Loftin further states at Column 9, Lines 4 – 8 that the general architecture consists of the five module components communicating by means of the blackboard 60, which acts as a vehicle through which each of the other components communicate. Thus, the blackboard 60 does not comprise the training session manager 30 as required by claim 11.

Additionally, Loftin's training model 50 is described as acting to record trainee actions that may include requesting help regarding how to perform the task or what syntax to use in performing a

specific action. (Column 14, Lines 48 – 57). However, Loftin does not teach that the training model 50 records the cumulative number of trainee help requests for each application context and for a plurality of trainees. To the contrary, Loftin teaches that each session for a trainee is a unique scenario. (Column 10, Lines 7 – 9). Thus, Loftin's compiled report cited by the examiner does not teach that the report comprises a cumulative count representing a plurality of users, as required by the claimed invention. The independent claims have been amended to clarify and emphasize that the count is cumulative across a plurality of users.

Moreover, according to the teachings of Loftin tracking and reporting cumulative data would be contrary to the objective of the training system. The training system taught by Loftin is focused on improving the skill set of a trainee that is interacting with the system. Aggregating data for more than one trainee would confound Loftin's ability to track the progress of an individual trainee.

The cited passage at Column 16, Lines 1 – 6 teaches that requests for help and back ups to previous steps are recorded by the number of times they occur. These actions, however are only aggregated for a single trainee during a single session. Loftin does not teach aggregating cumulative help requests for a plurality of users to identify areas of the computer executed application that can be improved. Additionally, this passage does not teach that requests for help are aggregated based on their particular context within the application. It merely teaches a total sum of help requests (or back-ups) by a particular trainee. Furthermore, the recording of back ups demonstrates that the training system being taught does not identify the context of the application. Backing up from one context to the previous context is an action that necessarily changes the context of the underlying application and Loftin does not teach that the recorded back-up is associated with either of the two contexts. Instead, Loftin merely teaches that a back-up is recorded. Thus, Loftin is not directed at improving the computer executed application – it is focused on improving the performance of the trainee. Accordingly, Loftin does not teach the claimed invention.

To summarize, Loftin does not teach tracking – for a plurality of users – cumulative data regarding help requests for discrete contexts of an application. Loftin also does not teach reporting that data such that the particular context of the application with the most help requests is identified and can then be improved upon by an application developer. Loftin also does not teach a separate help server that communicates with an application via a network. Accordingly, Applicant

respectfully submits that independent claims 11, 16, and 21 and their respective dependent claims are patentable over Loftin and a notice of allowance is respectfully requested.

**35 USC §103(a)**

Independent claims 1 and 7 stand rejected under section 103(a) as being unpatentable over Loftin in view of U.S. Patent Publication No. US 2001/0042000 ("DeFoor"). The DeFoor reference teaches a method for matching job candidates with employers. DeFoor is generally directed toward particular database manipulations that result in an effective match of a candidate and potential employer based on a number of increasingly specific factors such as geographic location and job skills. The disclosed invention in DeFoor is carried out through an internet website.

While DeFoor does teach the use of a website, it does not teach the claimed invention. In fact, the claimed invention may be used with DeFoor's application for matching job candidates with potential employers in order to improve the computer executed application and make it more user friendly.

**A. Independent Claims 1 and 7**

The combination of Loftin and DeFoor does not teach the claimed invention in amended claims 1 and 7. These claims have also been amended to emphasize that the total number of help requests that is tracked for each discrete context of the website is tracked across a plurality of users. Accordingly, as more users use the website and request help at particular contexts of the website that are confusing to the user, these requests are tallied and later compiled into a report that identifies the context of the website with the most help requests. An advantage of the claimed invention is that the website developer can use the information to improve the website.

Futhermore, the combination of Loftin of DeFoor fails because neither teaches that the underlying website is improved through repeated use of the website and repeated requests for help from particular contexts of the website. Moreover, a combination of DeFoor with Loftin such that the training system of Loftin is implemented as a website does not cure the defects of Loftin. Loftin does not disclose tracking help requests per discrete context of a web site and compiling a report that identifies the aggregate number of help requests made by a plurality of users for at least two discrete contexts of the web site. Additionally, neither Loftin nor DeFoor provides any motivation for a combination with the other. Nor are the two references directed at solving the same problem and

therefore combinable. Accordingly, not only do the combined references fail to teach the claimed invention, the combination of the references itself fails.

In summary, the combination of Loftin and DeFoor does not teach the claimed invention in claims 1 and 7 and their respective dependent claims. Loftin fails to teach the claimed elements of the independent claims and the combination with DeFoor does not cure that defect. Finally, even though the combination fails to teach all of the elements of the claimed inventions, the references do not provide any motivation to be combined. Accordingly, Applicant respectfully submits that independent claims 1 and 7 and their respective dependent claims are patentable over the combination of Loftin and DeFoor and a notice of allowance is respectfully requested.

#### **B. Dependent Claim 17**

The examiner cites the evaluator of Loftin as teaching that the discrete context of an application having the highest relative frequency of help requests is modified. Loftin makes no such teaching but rather states that the training scenario generator 20 examines the trainee model 50 and creates a unique scenario for each trainee whenever a new session begins. (Column 10, Lines 7 – 9). Thus, Loftin does not teach the underlying application is modified, but rather that a new, unique scenario is generated by the application for a new user session. This is further demonstrated by Loftin's teaching that the new scenario is built from an object-oriented database containing a range of typical parameters describing the training context as well as problems of graded difficulty. (Column 10, Lines 9 – 13). Therefore Loftin's unique scenarios are not a modification of the underlying application but rather a combination of parameters from an object-oriented database that are assembled by the underlying computer executed application.

Furthermore, Loftin teaches that the scenarios evolve to greater difficulty as the trainee demonstrates the acquisition of greater skills in solving the training problems. (Column 10, Lines 13 – 15). This shows that the teachings in Loftin are directed toward improving the skill set of the trainee and do not teach a system or method for improving a computer executed application and underscores the fundamental difference between the claimed invention and Loftin. The claimed invention is directed toward improving an application by identifying non-user friendly contexts that can be modified to improved the application while Loftin is directed toward improving a trainee's skill level by creating scenarios of increasingly greater difficulty.

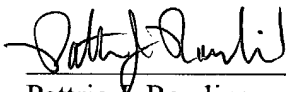
Accordingly, Applicant believes that claim 17 is presently allowable over the prior art of record and a notice of allowance is respectfully requested.

**Conclusion**

In view of the foregoing Amendments and Remarks, Applicant respectfully asserts that all claims are presently in condition for allowance and such action is earnestly requested. If the Examiner has any questions or comments regarding the above Amendments and Remarks, the Examiner is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,  
Procopio, Cory, Hargreaves & Savitch LLP

Dated: September 16, 2004

By:   
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